

# Order

Michigan Supreme Court  
Lansing, Michigan

April 13, 2007

Clifford W. Taylor,  
Chief Justice

133031

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

ROLAND KAISER, Personal Representative of  
the Estate of MARION ROSE KAISER,  
Deceased,

Plaintiff-Appellee,

v

SC: 133031  
COA: 264600  
Bay CC: 03-003800-NI

JAMES ROBERT ALLEN, a/k/a JAMES  
KROTZER,

Defendant-Appellant.

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On order of the Court, the application for leave to appeal the October 31, 2006 judgment of the Court of Appeals is considered, and it is GRANTED. The parties shall include among the issues to be briefed: (1) the interrelationship between MCL 600.2957(1), which allocates liability "in direct proportion to the person's percentage of fault," and MCL 257.401(1), which imposes vicarious liability on a motor vehicle owner that is not based on the owner's fault; and (2) the effect, if any, of the jury's damage award against the defendant driver of \$100,000, which, according to the jury verdict form, was "the total amount of damages suffered by the estate of Marion Rose Kaiser as a result of her death in this accident," in assessing the trial court's conclusion that the plaintiff would take nothing against the defendant driver in light of the \$300,000 paid in settlement of the claim against the defendant vehicle owner arising from the subject accident.

The Michigan Trial Lawyers Association and Michigan Defense Trial Counsel are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

April 13, 2007

*Corbin R. Davis*

Clerk